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REVIEWS.

Criminal Sociology. By ENRICO FERRI. Edited by W. D Morrison. New York: D. Appleton & Co., 1896.

THIS work is a translation of that portion of Professor Ferri's volume on criminal sociology which is immediately concerned with the practical problems of criminality. The first chapter deals with "the data of criminal anthropology." Criminal anthropology "studies the criminal man in his organic and psychical constitution, and in his life as related to his physical and social environment." The results of this study are the data for criminal sociology. They relate to certain physical and psychical marks of abnormal men, as irregularities in skull, brain, viscera, or indications of vicious mental conditions in slang, symbols and literature of criminals. Five categories of criminals are described: Criminal madmen, whose anti-social acts can be directly traced to some form of insanity; born or instinctive criminals, who most frequently present the characteristics established by criminal anthropology; habitual criminals, whose crimes begin early and are generally attacks on property, and who share with born criminals the marks of precocity and relapse; occasional criminals, who more frequently violate property rights; and criminals by passion who generally injure the person. With the latter classes the environment is the more important factor; with the born criminal heredity determines character. The author thinks that born and habitual criminals are about 40 or 50 per cent. of all, and occasional criminals also about 40 or 50 per cent. The ordinary legal classification by the character of crimes throws little light on the nature of criminals. The man must be studied in relation to the causes of his condition.

The second chapter is devoted to the data of criminal statistics. Here Professor Ferri's main contention is that force and repression are greatly overestimated as a means of social protection against crime. European statistics are employed to prove this thesis. Three factors must be measured, the personal or bio-psychical, which are studied in

criminal anthropology ; the physical elements, as climate and temperature ; and the social conditions. Until all these factors are distinguished and measured the problem of cause remains unsolved. An attack is made upon the optimism which reads into statistics a belief in the decrease of crime. Severe criticism is directed against those who are comfortably satisfied to meet an increase of lawlessness merely by intensifying the severity of penalty. It is historically shown that severity brutalizes, and that reliance on punishment diverts attention from adequate social changes. So far as certain offenses have in some countries diminished the cause was not cruel penalties but economical or educational improvements.

This conclusion, that penalties cannot diminish crime, leads to a discussion of substitutes for punishment. Examples of such substitutes are given from five spheres, economic, political, scientific and technical, legislative and administrative, and educational. Reasonable import duties broke up smuggling. Taxes on alcohol diminish drunkenness. Since crime increases with drunkenness and this rises with the good vintage years and seasons, a check on the use of alcohol is a preventive of crime. Coöperative benefit societies diminish theft. Inspection of workshops check indecent assaults more than penal servitude will do.

Political crimes disappear when the government represents the will of the people. Popular suffrage is a safety-valve for dangerous passions. Technical advance outwits culprits, as in the case of "Marsh's preparation," which has diminished the use of arsenic as a poison. Photographs of persons drawing large sums on cheques make forgery less common. Cheap and easy processes of law make personal vindication of rights less frequent. Revenge is frequently the result of despair of justice.

Educational methods of prevention must go beyond book education, and include serviceable knowledge, technical training, preparation for specific work, physical discipline, refined entertainments, suppression of gambling places and of licentious publications. Correctional penalties will continue, but they will gradually be displaced by such preventive measures as those here cited. Professor Ferri thus shows the necessity, in dealing with a particular social problem, of knowing the relation of all social institutions and forces to that problem. Criminal sociology he regards as a specialized branch of general sociology. His own field of study is anthropology and criminal law,

but he borrows the results of special investigations in biology, physiology, history, psychology, statistics, and administration, and he shows how sociology, without discovery of any new materials, is able to combine the elements of special discoveries and to make them socially useful. This composition is as truly an original scientific work as the elementary studies. Sociology is treated as taking physiology and psychology for granted, as biology takes chemistry as a finished product. At the same time he illustrates the necessity of direct discipline in the previous sciences, since their method of research cannot be used by one who has not had practice in them. Of course, the recommendations from economic, political, technical, legislative and educational spheres are not made authoritative by the sociologist. Their acceptance will be determined by the verdicts of the masters in the several departments. But the combination of factors is as distinctly a new thing as the dramas of Shakespeare were new, although the words and stories were already in existence as unrelated facts before he was born. The importance of sociology as a study for all thoughtful citizens is shown by the fact that the preventive measures recommended require the intelligent coöperation, not only of statesmen, but of teachers, parents, physicians, pastors, editors and all who mould opinion or direct affairs.

The third chapter on practical reforms challenges more severe criticism and invites more conservative deliberation. When a scientific man passes from the explanation of facts through causes to the prevision of consequences and the recommendation of novel measures he touches subjects of the greatest interest and the greatest difficulty. Yet if the rationale did not assist in the purposive action it would have, indeed, a great attraction for the intellect, but would not promote amelioration. Of course, all truth eventually influences conduct and yields satisfactions beyond those of gratified curiosity. Professor Ferri passes to this contested ground where observation must be supplemented by experiment. He does not make this quite clear. All modifications of legislation, administration or custom are actually social experimentation. Perhaps this consideration might tone down the somewhat dogmatic confidence with which the new methods are introduced. These methods of the "positive" school relate to procedure and to penal treatment.

The positive innovations proposed in respect to judicial procedure are all related to these two general principles: (1) "the equal recog-

nition of the rights and guarantees of the prisoner to be tried, and of the society which tries him; and (2) the legal sentence, whereof the object is not to define the indeterminable moral culpability of the prisoner, nor the impersonal applicability of an article in the penal code to the crime under consideration; but the application of the law which is most appropriate to the perpetration of the crime, according to his more or less anti-social characteristics, both physiological and psychological" (p. 147). The "presumption of innocence" should be diminished in case of confirmed criminals. The verdict of "Not proven" should be rendered when there is high probability of guilt but not adequate proof. The jury system should be abolished, since only trained judges are capable of deciding about the real character of the criminal.

Penalties should be based on the nature of the criminal—born, habitual, occasional, passional or insane. The criminal insane should be confined in special prisons. The born or instinctive criminals, when proved incorrigible, should be set to work on the most disagreeable and dangerous work of society, since it is better for society to save honest working men from such conditions. Prisoners' aid societies should confine their efforts to occasional and passional criminals, and not drive out steady workmen to give work to confirmed enemies of society. For milder types of law-breakers, capable of remorse and reform, the short sentence is simply a means of forming criminal associations; they should be punished by fine and by reparation to the injured party. This doctrine of reparation as a means of social defense and personal correction is thoroughly worked out. It is one of the most plausible suggestions of the book. Elaboration and criticism of these positions must be reserved for other articles.

C. R. HENDERSON.

The Nature of the State. By WESTEL WOODBURY WILLOUGHBY,
PH.D. Macmillan & Co., 1896. Pp. xii+448. \$3.00.

I FINISH my first examination of this book with a consciousness of gratitude to its author and of respect for his work. The sincerity of this testimony may be attested by the further confession that I find myself effectually estopped by this publication from carrying out a plan for which my preparations were already well advanced, to inflict upon the patient public a volume upon the subject here treated. I